

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST JOSEPH DAVIS,

Plaintiff,

v.

CASE NO. 08-14963
DISTRICT JUDGE GERALD E. ROSEN
MAGISTRATE JUDGE HLUCHANIUK

THE STATE OF MICHIGAN, NANCY KANGAS,
NORMA KILOUGH, HARWOOD, KEVIN ALFORD,
DAVID M. THEUT, LINDA METRISH,
WOODS, and JOHN DOE(S),

Defendants.

ORDER OF TRANSFER

This matter is pending before the Court on the *pro se* complaint of Ernest Joseph Davis. Defendants are the State of Michigan and several individuals employed by the Michigan Department of Corrections at Kincheloe, Lansing, or Manistee, Michigan.

A threshold question is whether venue is proper in this district. The proper venue in civil actions in which jurisdiction is not founded on diversity of citizenship is the judicial district where (1) any defendant resides if all defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

All the individual defendants are located in the Western District of Michigan

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where the events complained of occurred. Therefore, venue is proper in the Western District of Michigan, and the Clerk of Court is **ORDERED** to transfer this case to the Clerk of Court in the Western District of Michigan pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).

s/R. STEVEN WHALEN

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: 1/6/2009